

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<b>Fund Texas Choice, et al.,</b>  <b>Plaintiffs,</b>  <b>v.</b>  <b>José Garza, in his official capacity as District Attorney of Travis County, Texas, et al.,</b>  <b>Defendants.</b>	<b>Civil Case No. 1:22-cv-00859-RP</b>
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**APPENDIX IN SUPPORT OF  
PLAINTIFFS' MOTION FOR PROTECTIVE ORDER FROM  
DEFENDANT SHANNON D. THOMASON'S DISCOVERY REQUESTS**

Plaintiffs now file their Appendix in Support of their Motion for Protective Order from Defendant Shannon D. Thomason's Discovery Requests, which contains the following documents:

<b>Exhibit No.</b>	<b>EXHIBIT</b>
A	Declaration of Jennifer R. Ecklund
A-1	Defendant S. Thomason's Discovery requests to Fund Texas Choice
A-2	Defendant S. Thomason's Discovery requests to The North Texas Equal Access Fund
A-3	Defendant S. Thomason's Discovery requests to The Lilith Fund for Reproduction Equity
A-4	Defendant S. Thomason's Discovery requests to Frontera Fund
A-5	Defendant S. Thomason's Discovery requests to The Afiya Center

A-6	Defendant S. Thomason's Discovery requests to West Fund
A-7	Defendant S. Thomason's Discovery requests to Jane's Due Process
A-8	Defendant S. Thomason's Discovery requests to Clinic Access Support Network
A-9	Defendant S. Thomason's Discovery requests to Buckle Bunnies Fund
A-10	Defendant S. Thomason's Discovery requests to Dr. Ghazaleh Moayed, DO, MPH, FACOG
A-11	September 15, 2023 email from J. Eric Magee to Jennifer R. Ecklund regarding Defendant S. Thomason's discovery requests
A-12	September 15, 2023 email from Lisa Cubriel to Jennifer R. Ecklund regarding Defendant S. Thomason's discovery requests
A-13	September 15, 2023 email from Leigh Ann Tognetti to Jennifer R. Ecklund regarding Defendant S. Thomason's discovery requests
A-14	September 15, 2023 email from Cynthia Gutierrez to Jennifer R. Ecklund regarding Defendant S. Thomason's discovery requests
A-15	September 12, 2023 from Andrew Stephens to Jennifer R. Ecklund regarding Defendant S. Thomason's discovery requests
A-16	September 15, 2023 from Leslie Dippel to Jennifer R. Ecklund regarding Defendant S. Thomason's discovery requests
A-17	Jennifer R. Ecklund reply to counsel for DA defendants on September 15, 2023

Dated: September 26, 2023

Respectfully submitted,

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**ALEXANDER DUBOSE &  
JEFFERSON, LLP**

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I certify that this document was filed electronically on September 26, 2023, with the clerk of the Court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court.

/s/ Jennifer R. Ecklund  
Jennifer R. Ecklund

# **EXHIBIT A-1**

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**Fund Texas Choice**, et al.,

Plaintiffs,

v.

**José Garza**, et al.,

Defendants.

Case No. 1:22-cv-00859-RP

**DEFENDANT SHANNON D. THOMASON'S FIRST SET OF  
WRITTEN DISCOVERY TO PLAINTIFF FUND TEXAS CHOICE**

To: Plaintiff Fund Texas Choice, through its attorney of record Jennifer R. Ecklund, Thompson Coburn LLP, 2100 Ross Avenue, Suite 3200, Dallas, Texas 75201, sent by e-mail to [jecklund@thompsoncoburn.com](mailto:jecklund@thompsoncoburn.com)

Defendant Shannon D. Thomason is serving his first set of written discovery upon plaintiff Fund Texas Choice. This first set of written discovery includes interrogatories, requests for production, and requests for admission.

**I. INSTRUCTIONS FOR INTERROGATORIES**

Please take notice that defendant Shannon D. Thomason is serving written interrogatories upon plaintiff Fund Texas Choice. The federal rules of civil procedure require Fund Texas Choice to submit its answers in writing and under oath, and to serve those answers on Mr. Thomason's attorney. The interrogatories must be: (i) answered separately and fully in writing under oath on the basis of all available information; (ii) signed by the person answering them; and (iii) served on Mr. Thomason's attorney within thirty (30) days after service of the interrogatories, unless the Court extends the time for answering. *See* Fed. R. Civ. P. 33(b). If there is insufficient space for a complete answer to any interrogatory, please identify and complete the answer on an additional page.

Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible. If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response. If you cannot answer the following interrogatory in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

Fund Texas Choice is required to supplement its responses consistent with Rule 26(e) of the federal rules of civil procedure.

## **II. INSTRUCTIONS FOR REQUESTS FOR PRODUCTION**

Please take further notice that defendant Shannon D. Thomason is serving requests for production upon plaintiff Fund Texas Choice. Fund Texas Choice is required to respond to each request for production in compliance with Rule 34 of the federal rules of civil procedure, and must produce for inspection or copying the requested documents and tangible things that are within its possession, custody, or control. Fund Texas Choice must produce the requested documents and tangible things by 6:30 P.M. on October 12, 2023, by: (1) creating electronic reproductions of the responsive documents and tangible things and electronically producing them to Mr. Thomason's counsel at the following email address ([jonathan@mitchell.law](mailto:jonathan@mitchell.law)), or (2) producing such responsive documents and tangible items at the offices of Mitchell Law PLLC, located at 111 Congress Avenue, Suite 400, Austin, Texas, 78701.

Fund Texas Choice is required to supplement its responses consistent with Rule 26(e) of the federal rules of civil procedure. Fund Texas Choice must produce its responses in accordance with the following instructions:

1. The plaintiff must produce for inspection and copying of all responsive documents in the plaintiff's possession, custody, or control, wherever located, including all documents in the possession, custody, or control of the plaintiff's officers, directors, principals, partners, employees, agents, representatives, consultants, attorneys, accountants, investigators, and representatives.

2. Any non-identical copy of a document, including copies with notes, highlighting, comments, or marginalia of any nature, and drafts, must be identified and produced as a separate document.

3. If there are no documents responsive to a category in this inspection demand, please state so in writing.

4. For each document that the plaintiff declines to make available for inspection and copying on the grounds of privilege or the attorney work-product rule, provide the following information:

- a. State the date on which the document was created;
- b. State the title of the document;
- c. Briefly describe the nature and contents of the document;
- d. Identify each person or entity that received a copy of the document or to whom the document or its contents were disclosed;
- e. Identify the privilege or rule that the plaintiff contends protects the document from disclosure; and
- f. Identify each fact on which the plaintiff bases its contention that the privilege or rule identified in its response applies.

5. If any material is redacted from a document, indicate that in the response to the inspection demand and state the basis for each redaction.

6. Please produce the original of each document and all its copies, if any copy is other than identical to the original, in the order called for in the categories listed below.



7. If, for any reason, any of the documents, objects, or tangible things to be produced pursuant to these inspection demands has been destroyed, lost, or otherwise disposed of, state for each category the following information:

a. A description of the document, object, or tangible thing to be produced. If the destroyed, lost or otherwise disposed of item is a document, identify the document by date, drafter, recipient, and subject matter.

b. The date the document, object or tangible thing was lost, destroyed, or disposed of.

c. All persons who have knowledge of the loss, destruction, or disposal.

d. If the loss, destruction, or disposal related to an object or tangible thing, identify all documents that relate or refer to the loss, destruction, or disposal.

8. Produce documents in their native format where applicable.

9. If a document is responsive to a request for production and is in the plaintiff's control, but not in the plaintiff's possession or custody, identify all persons with possession or custody.

10. Unless otherwise stated below, the relevant time period for these requests for production is January 1, 2021, through the present.

### **III. INSTRUCTIONS FOR REQUESTS FOR ADMISSION**

Please take notice that Shannon D. Thomason is serving requests for admission upon plaintiff Fund Texas Choice. The Texas Rules of Civil Procedure require Fund Texas Choice to serve its responses upon Mr. Thomason's attorney within thirty (30) days after the service of these requests. *See* Fed. R. Civ. P. 36(a).

If you deny any request for admission, your denial must fairly respond to the substance of the matter. Any qualified denial must specify the part admitted and qualify or deny the rest. You may assert lack of knowledge or information as a reason for failing to admit or deny only if the party states that it has made reasonable inquiry

and that the information it knows or can readily obtain is insufficient to enable it to admit or deny. In answering these requests for admission, please ensure that your responses comply with Rule 36 of the federal rules of civil procedure.

If any request for admission is withheld by reasons of a claim of privilege, or because it relates to any document being withheld by reason of a claim of privilege, please furnish a privilege log within seven (7) days of service of these requests identifying each such document for which privilege is claimed, together with the following information with respect to each document or admission: (a) author; (b) recipient; (c) sender; (d) indicated or blind copies; (e) date; (f) general subject matter; (g) basis on which the privilege is claimed; and (h) the request for production to which such document relates.

Fund Texas Choice is required to supplement its responses consistent with Rule 26(e) of the federal rules of civil procedure.

#### IV. DEFINITIONS FOR WRITTEN DISCOVERY

The following definitions apply to each of these discovery requests:

- The terms “**Fund Texas Choice**,” “**plaintiff**,” “**you**,” and “**your**” refers to plaintiff Fund Texas Choice, and any agent or person acting or purporting to act for or on its behalf, whether authorized to do so or not.
- The term “**co-plaintiffs**” refers to each of the other named plaintiffs in this lawsuit, including the Lilith Fund for Reproductive Equity, the Frontera Fund, The Afiya Center, the West Fund, Jane’s Due Process, Buckle Bunnies Fund, the Clinic Access Support Network, and abortionist Ghazaleh Moayedi, as well as any agent or person acting or purporting to act for or on their behalf, whether authorized to do so or not.
- The term “**abortion**” includes any act of using, prescribing, administering, procuring, or selling any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate the pregnancy of a woman, with knowledge that the termination by any

of those means will with reasonable likelihood cause the death of a living human being in the womb.

- The terms “**abortion-inducing drug**” and “**abortion-inducing drugs**” include mifepristone, misoprostol, and any drug or medication that is used to terminate the life of an unborn child.
- The term “**abortion fund**” includes any person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity that exists for the purpose of aiding or abetting elective abortions, and that pays for, reimburses, or subsidizes in any way the costs associated with obtaining an elective abortion.
- The terms “**communication**” and “**communicate**” refer to any method used to transmit or exchange information, concepts, or ideas (whether verbal or nonverbal) including oral, written, typed, or electronic transmittal of any type of information or data, by the use of words, silence, numbers, symbols, images, or depictions, from one person or entity to another person or entity.
- The term “**document**” refers to the act of noting, recording, or preserving any type of information, data, or communication, without regard to the method used to note, record, or preserve such information, data, or communication. The term includes any e-mail or text message.
- The term “**drug-induced abortion**” includes any abortion performed with mifepristone, misoprostol, or any other drug or medication that is intended to terminate the life of an unborn child.
- The term “**entity**” means any legal entity inquired about (other than a natural person) including a partnership, professional association, joint venture, corporation, governmental agency, or other form of legal entity.
- The term “**human being**” includes any individual member of the species homo sapiens at any stage of development beginning at fertilization.
- The terms “**identify**” and “**identity**,” when used in connection with a natural person, require disclosure of that person’s full name, present or last known address, present or last known telephone number, and present or last known e-mail address. When used in connection with a legal

entity, the terms require disclosure of its legal name, its address, and telephone number.

- The terms “**implement**” and “**implementation**” refer to any method, process, or action used to put a decision or plan into effect or achieve a goal or obligation.
- The term “**information**” refers to and includes documents, records, communications, facts, ideas, data, observations, opinions, photographs, slides, video recordings, audio recordings, and tangible and intangible items and evidence of any kind or sort.
- The terms “**killing**” and “**murder**” include abortion, as well as any act that intentionally terminates the life of a human zygote, embryo, fetus, or unborn child.
- The terms “**person**” and “**persons**” mean any legal entity inquired about, whether a natural person, partnership, sole proprietorship, professional association, joint venture, corporation, governmental agency, or other form of legal entity.
- The term “**record**” means letters, words, sounds, or numbers, or the equivalent of letters, words, sounds, or numbers, that have been written, recorded, documented, or received by:
  - (A) handwriting;
  - (B) typewriting;
  - (C) printing;
  - (D) photostat;
  - (E) photograph;
  - (F) magnetic impulse;
  - (G) mechanical or electronic recording;
  - (H) digitized optical image; or
  - (I) another form of data compilation.
- The term “**record**” also includes any communication, including an e-mail or text-message communication.
- The term “**reproduction**” means an accurate and complete counterpart of an original document or record produced by:
  - (A) production from the same impression or the same matrix as the original;

- (B) photograph, including an enlargement or miniature;
  - (C) mechanical or electronic re-recording;
  - (D) chemical reproduction;
  - (E) digitized optical image; or
  - (F) another technique that accurately reproduces the original.
- The term “**third party**” means any person, persons, or entity other than the plaintiffs or the attorneys of record for the plaintiffs.
  - The term “**unborn child**” includes an individual organism of the species homo sapiens in any stage of gestation from fertilization until live birth.
  - The terms “**woman**” and “**women**” include any person whose biological sex is female, including any person with XX chromosomes and any person with a uterus, regardless of any gender identity that the person attempts to assert or claim.
  - The terms “**and**” and “**or**,” when used in these definitions and in the discovery requests, include the conjunction “and/or.”

Respectfully submitted.

/s/ Jonathan F. Mitchell  
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*Counsel for Defendant  
Shannon D. Thomason*

Dated: September 12, 2023

## INTERROGATORIES

**Interrogatory No. 1:** Identify every abortion that you have assisted or facilitated in any way since September 1, 2021. This includes every abortion that you paid for in whole or in part, subsidized in any way, or reimbursed or defrayed the costs of, including payments, subsidies, or reimbursements made for travel costs, lodging, child care, or any other cost or expense associated with an abortion or a person's efforts to obtain an abortion. This also includes abortions for which you provided any type of practical, logistical, and emotional support.

For each of these abortions, provide the following information:

- a. The date or dates (or the approximate dates) on which the abortion occurred;
- b. The name, address, and telephone number of the abortion provider who performed the abortion or provided the abortion-inducing drugs;
- c. The method by which the abortion was performed, *i.e.*, whether the abortion was a surgical abortion (sometimes called procedural abortion) or a drug-induced abortion (sometimes called a "medication" abortion).
- d. Whether the abortion was self-managed, *i.e.*, whether the woman who aborted or who sought to abort her unborn child did so without the assistance or supervision of licensed medical professionals;
- e. The gestational age (or approximate gestational age) of the fetus that was aborted;
- f. The city and state of residence of the woman who aborted or who sought to abort her unborn child;
- g. If the abortion was a drug-induced abortion, the locations where each of the abortion pills was ingested or swallowed by the woman who aborted or who sought to abort her unborn child;
- h. The identity of every person at Fund Texas Choice, and every person associated in any way with Fund Texas Choice, who was involved in assisting or facilitating the abortion;
- i. The precise manner in which Fund Texas Choice assisted or facilitated the abortion;
- j. If Fund Texas Choice assisted the abortion by paying for or facilitating abortion-related travel, describe where the abortion-related travel began and ended and identify every county in Texas where the abortion-related travel passed through.

- k. The identity of every person, other than the woman who aborted or who sought to abort her unborn child and her family members, who assisted or facilitated the abortion in any way, and describe how that person assisted or facilitated the abortion.
- l. The identity of every person who assisted or facilitated the abortion by: (a) using the mails for the mailing, carriage in the mails, or delivery of: (i) any article or thing designed, adapted, or intended for producing abortion, or (ii) any article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for producing abortion; or (b) using any express company or other common carrier or interactive computer service for carriage in interstate or foreign commerce of any drug, medicine, article, or thing designed, adapted, or intended for producing abortion, or knowingly taking or receiving, from such express company or other common carrier or interactive computer service, any such matter or thing.
- m. The identity of every person who performed any act within the state of Texas that “procured” the abortion, regardless of where the abortion ultimately took place, and describe how that person “procured” the abortion. The word “procure” is to be interpreted to encompass each of the first two meanings assigned in Black’s Law Dictionary, 11th edition: “**procure** *vb.* (14c) 1. To obtain (something), esp. by special effort or means. 2. To achieve or bring about (a result).”

**ANSWER:**

**Interrogatory No. 2:** Identify every person involved with the activities or mission of Fund Texas Choice, including its employees, officers, board members, volunteers, donors, and financial supporters.

**ANSWER:**

**Interrogatory No. 3:** Identify every person that you believe may have violated the Texas Heartbeat Act (also known as Senate Bill 8), since the statute took effect on September 1, 2021, and explain the conduct that you believe may have violated the Texas Heartbeat Act (also known as Senate Bill 8).

**ANSWER:**

**Interrogatory No. 4:** Identify every person that you believe may have violated the criminal abortion laws of Texas, and explain the conduct that you believe may have violated the state's criminal abortion laws.

**ANSWER:**

**Interrogatory No. 5:** Identify the donors to Fund Texas Choice that “have expressed fear about continuing to donate,” as well as those who have “stopped donating,” that you describe in paragraph 24 of the second amended complaint (ECF No. 129).

**ANSWER:**

**Interrogatory No. 6:** Identify the staff and volunteers that say they are “afraid to continue their work,” or that the “uncertainty related to civil and criminal enforcement is impacting their lives,” that you describe in paragraph 24 of the second amended complaint (ECF No. 129).

**ANSWER:**

**Interrogatory No. 7:** Identify every attorney that advised or counseled Fund Texas Choice to commit or engage in any of the following acts:

- a. Any conduct that assists or facilitates in any way a drug-induced abortion performed on or after 9:15 A.M. central time on June 24, 2022, in which any portion of the drug regimen is swallowed or ingested in Texas or in another state or jurisdiction where abortion has been criminalized, regardless of where the person who dispenses the abortion-inducing drugs is located.
- b. Any act performed within the state of Texas on or after 9:15 A.M. central time on June 24, 2022, that “knowingly procures” an abortion, unless the abortion is procured or attempted by medical advice for the purpose of saving the life of the mother, regardless of where the abortion is ultimately performed. The word “procure” is to be interpreted to encompass each of the first two meanings assigned in Black's Law Dictionary, 11th edition: “**procure** *vb.* (14c) 1. To obtain (something), esp. by special effort or means. 2. To achieve or bring about (a result).”
- c. Using the mails for the mailing, carriage in the mails, or delivery of any article or thing designed, adapted, or intended for producing abortion, or any conduct that aids or abets such acts;



- d. Using the mails for the mailing, carriage in the mails, or delivery of any article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for producing abortion;
- e. Using any express company or other common carrier or interactive computer service for carriage in interstate or foreign commerce of any drug, medicine, article, or thing designed, adapted, or intended for producing abortion; or
- f. Taking or receiving, from an express company or other common carrier or interactive computer service, any matter or thing described in the immediately preceding paragraph.

**ANSWER:**

**Interrogatory No. 8:** Identify and describe every act that you have taken since September 1, 2021, that violates the Texas Heartbeat Act (also known as Senate Bill 8), or that you believe might have violated the Texas Heartbeat Act (also known as Senate Bill 8).

**ANSWER:**

## REQUESTS FOR PRODUCTION

**Request for Production No. 1:** Any and all documents describing, mentioning, or pertaining to abortions described in Interrogatory No. 1, including any documents that fall within the crime–fraud exception to the doctor–patient privilege, the crime–fraud exception to the attorney–client privilege, or the crime–fraud exception to any other privilege that might be asserted.

The crime–fraud exception applies to communications that advise or counsel anyone to: (a) send or receive abortion pills or any type of abortion-related paraphernalia through the mail or by using any express company, common carrier, or interactive computer service; (b) obtain or facilitate a drug-induced abortion performed on or after 9:15 A.M. central time on June 24, 2022, in which any portion of the drug regimen is swallowed or ingested in Texas or in another state or jurisdiction where abortion has been criminalized; or (c) commit any act performed within the state of Texas on or after 9:15 A.M. central time on June 24, 2022, that “knowingly procures” an abortion, unless the abortion is procured or attempted by medical advice for the purpose of saving the life of the mother, regardless of where the abortion is ultimately performed.

### RESPONSE:

**Request for Production No. 2:** Any and all communications you have had with anyone about this litigation, other than communications between you and your attorneys that fall within the attorney–client privilege and outside the crime–fraud exception.

The crime–fraud exception applies to communications that advise or counsel anyone to: (a) send or receive abortion pills or any type of abortion-related paraphernalia through the mail or by using any express company, common carrier, or interactive computer service; (b) obtain or facilitate a drug-induced abortion performed on or after 9:15 A.M. central time on June 24, 2022, in which any portion of the drug regimen is swallowed or ingested in Texas or in another state or jurisdiction where abortion has been criminalized; or (c) commit any act performed within the state of Texas on or after 9:15 A.M. central time on June 24, 2022, that “knowingly procures” an abortion, unless the abortion is procured or attempted by medical advice for the purpose of saving the life of the mother, regardless of where the abortion is ultimately performed.

### RESPONSE:

**Request for Production No. 3:** Any and all communications you have had with anyone about the any of the abortions described in Interrogatory No. 1, including any documents that fall within the crime–fraud exception to the doctor–patient privilege, the crime–fraud exception to the attorney–client privilege, or the crime–fraud exception to any other privilege that might be asserted.

The crime–fraud exception applies to communications that advise or counsel anyone to: (a) send or receive abortion pills or any type of abortion-related paraphernalia through the mail or by using any express company, common carrier, or interactive computer service; (b) obtain or facilitate a drug-induced abortion performed on or after 9:15 A.M. central time on June 24, 2022, in which any portion of the drug regimen is swallowed or ingested in Texas or in another state or jurisdiction where abortion has been criminalized; or (c) commit any act performed within the state of Texas on or after 9:15 A.M. central time on June 24, 2022, that “knowingly procures” an abortion, unless the abortion is procured or attempted by medical advice for the purpose of saving the life of the mother, regardless of where the abortion is ultimately performed.

**RESPONSE:**

**Request for Production No. 4:** Any and all communications you have had with anyone about the Texas Heartbeat Act (also known as Senate Bill 8), including any documents that fall within the crime–fraud exception to the doctor–patient privilege, the crime–fraud exception to the attorney–client privilege, or the crime–fraud exception to any other privilege that might be asserted.

The crime–fraud exception applies to communications that advise or counsel anyone to: (a) send or receive abortion pills or any type of abortion-related paraphernalia through the mail or by using any express company, common carrier, or interactive computer service; (b) obtain or facilitate a drug-induced abortion performed on or after 9:15 A.M. central time on June 24, 2022, in which any portion of the drug regimen is swallowed or ingested in Texas or in another state or jurisdiction where abortion has been criminalized; or (c) commit any act performed within the state of Texas on or after 9:15 A.M. central time on June 24, 2022, that “knowingly procures” an abortion, unless the abortion is procured or attempted by medical advice for the purpose of saving the life of the mother, regardless of where the abortion is ultimately performed.

**RESPONSE:**

**Request for Production No. 5:** Any and all documents describing, mentioning, or pertaining to conduct that you believe may have violated the Texas Heartbeat Act (also known as Senate Bill 8), since the statute took effect on September 1, 2021.

**RESPONSE:**

**Request for Production No. 6:** Any and all documents describing, mentioning, or pertaining to conduct that you believe may have violated the criminal abortion laws of Texas since June 24, 2022, since June 24, 2022.

**RESPONSE:**

**Request for Production No. 7:** Any and all documents describing, mentioning, or pertaining to the fears of present or former donors, staff, or volunteers of Fund Texas Choice.

**RESPONSE:**

**Request for Production No. 8:** Any and all communications between Fund Texas Choice and any of its attorneys that contain advice or counsel to engage in any of the acts described in Interrogatory No. 7.

**RESPONSE:**

## REQUESTS FOR ADMISSION

**Request for Admission No. 1:** You have never engaged in conduct that violates the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 2:** You have no intention of engaging in conduct that violates the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 3:** You have never engaged in conduct that violates the criminal abortion laws of Texas.

**RESPONSE:**

**Request for Admission No. 4:** You have no intention of engaging in conduct that violates the criminal abortion laws of Texas.

**RESPONSE:**

**Request for Admission No. 5:** Defendant Shannon D. Thomason has never threatened to sue you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 6:** Defendant Sadie Weldon has never threatened to sue you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 7:** Defendant Ashley Maxwell has never threatened to sue you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 8:** Defendant Zach Maxwell has never threatened to sue you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 9:** Defendant Mistie Sharp has never threatened to sue you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 10:** Defendant Shannon D. Thomason has no intention of suing you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 11:** Defendant Sadie Weldon has no intention of suing you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 12:** Defendant Ashley Maxwell has no intention of suing you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 13:** Defendant Zach Maxwell has no intention of suing you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 14:** Defendant Mistie Sharp has no intention of suing you under the Texas Heartbeat Act (also known as Senate Bill 8).

**RESPONSE:**

**Request for Admission No. 15:** Fund Texas Choice lacks Article III standing to sue defendant Shannon D. Thomason.

**RESPONSE:**

**Request for Admission No. 16:** Fund Texas Choice lacks Article III standing to sue defendant Sadie Weldon.

**RESPONSE:**

**Request for Admission No. 17:** Fund Texas Choice lacks Article III standing to sue defendant Ashley Maxwell.

**RESPONSE:**

**Request for Admission No. 18:** Fund Texas Choice lacks Article III standing to sue defendant Zach Maxwell.

**RESPONSE:**

**Request for Admission No. 19:** Fund Texas Choice lacks Article III standing to sue defendant Mistie Sharp.

**RESPONSE:**

### CERTIFICATE OF SERVICE

I certify that on September 12, 2023, defendant Shannon Thomason's first set of written discovery to plaintiff Fund Texas Choice (including interrogatories, requests for production, and requests for admission) was served by e-mail upon:

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